

POLICY BULLETIN

CHILD NUTRITION PROGRAMS

NSLP 02-06

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SUBJECT: School Programs Policy Guidance Questions and Answers

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Free and Reduced Price Policy

- Q1. Policy Bulletin NSLP 30-05 stated, "Given the emphasis placed on prompt determinations and on ensuring access to program benefits, we will be revising the current regulations to require a carry-over of eligibility of up to 30 operating days into the subsequent school year." Does carry-over of up to 30 operating days mean any number of days between 1 and 30 days is acceptable?
- A1. The State Agency determines the number of days for carry-over. The local agency has to offer carry over. Our most recent policy allows for any number of days up to 30 days for carry-over. Once the new rule is published the language may be changed and the number of days allowed may no longer be an option.
- Q2. The U.S. Department of Education has provided grants to all 50 states for 21st Century Learning Communities. The Department of Education is not asking each state to collect data about the students being served by the grant funds. Can school food authorities share the status of individual students with this program?
- A2. Yes, limited disclosure of information is allowed. Refer to Chapter 8 of USDA's *Eligibility Guidance for School Meals Manual* for more specific information on disclosure.
- Q3. A child brings lunch money to school and wants to purchase lunch. However, the child's household owes the school payment for meals previously served to the child on credit. May the school take the lunch money the child has brought to school and apply it to the balance owed for previous meals, and deny the child a meal for that day?
- A3. No. One of the fundamental principles of the National School Lunch Program is that participating schools must offer a reimbursable lunch to each child who must be in school all day on a regular school day. There is no Federal requirement that a child be served a lunch if that child does not have money to pay for the lunch, unless the child is eligible to receive a free lunch. However, if a child who is eligible for reduced price benefits or is in full-pay status wants a lunch, and has the money to pay for it, the school must serve the child.

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- Q4. The person who reviews and approves the free and reduced price applications in a school is also responsible for determining who is eligible for free text books, based on their free/reduced price meal eligibility. This person knows that everyone who is eligible for free or reduced priced lunch also wants the benefit of free textbooks. Is it necessary for the school to use the application form that has the “optional benefits” check-off rather than the plain application?
- A4. The “optional benefit” application form must be used, because its purpose is for the parent or guardian to officially release the confidential information about the child’s eligibility for the “optional benefit” purpose. Otherwise, it is not permitted for anyone to use the information on free and reduced price eligibility without the permission of a child’s parent or guardian, even if the person certifying for the benefit application already knows the eligibility because they process the applications.

Verification

- Q1. How do school food authorities account for children using prior year eligibility for the first 30 operating days in the new school year, when the prior year eligibility period ended later than the October 1 date for determining the verification sample?
- A1. Students who are participating based on their last year’s eligibility during the first 30 operating days of the school year would not be included in the current year verification sample, unless they had a newly approved application on file for the current school year. The October 1 verification sample is based on all **newly approved** applications for the current school year.
- Q2. If a school is conducting error-prone sampling and the confirmation review shows that an application was incorrectly approved and also is, in fact, not error-prone, should that application be verified?
- A2. If the application was incorrectly approved and therefore not error-prone, one of the following applies:
1. If the child is no longer eligible for either free or reduced price meals, pull the application from the sample, send a notice of adverse action and pull another error-prone application;
 2. If the child continues to be eligible for either free or reduced meals but because the initial certification was wrong, continue with verification; there is no need to pull another (actually) error-prone application.
- Q3. Can a school food authority verify an application without contacting the local social service agency by using a medical card from the applicant?
- A3. No, participation would need to be verified by the local social service agency.

- Q4. An application was selected for verification that listed a woman, her two children, and a man and his child. At the time of application the woman and man were living together. Since then the man and his child have moved out of the home and live elsewhere. The woman has brought in verification for herself and her children. Can this household be considered verified or must the school food authority contact the man to verify his situation too?
- A4. Verify the woman and her two children in their current living situation. Their status may change based on the new household makeup.

Wellness Policies

- Q1. The Reauthorization Act states that each Local Education Agency (LEA) must have a wellness policy in place. Does LEA apply to only K-12 schools (public and private), or will it also apply to schools/sponsors only participating in the Special Milk Program?
- A1. Special Milk Program only schools/sponsors will also need to have a wellness policy because they have an agreement under the National School Lunch Act.